



**PUBLIC PROCUREMENT REGULATIONS
FOR
THE REPUBLIC OF KIRIBATI**

Commencement, 12th May, 2020

Table of content

PART I – GENERAL PRINCIPLES	4
1. Short title.....	4
2. Scope	4
3. Exceptions	4
4. Definitions	4
5. Value for Money.....	7
6. Annual Procurement Planning	7
7. Currency and payment	8
8. Eligibility.....	8
9. Domestic preference	8
10. Delegation of Authority.....	9
11. Procuring Entity responsible functions.....	9
12. Annual Public Procurement Report	9
PART II – MEDIUM AND HIGH VALUE PROCUREMENT	9
13. Application	9
14. Initiation of Public Procurement.....	10
15. Choice of procedure.....	10
16. Open competitive procedurg.....	11
17. Pre-Qualification	11
18. Securities and guarantees	12
19. Limited competitive procedure.....	12
20. Single Source procedure	12
21. Publication of Public Procurement information	13
22. Confidentiality of information	14
23. Choice of methods.....	14
24. The Evaluation Committee	14
25. Questions and answers procedure	15
26. Deadline for submitting Tenders	15
27. Cancellation of the procurement.....	16
28. Receipt and registration of Tenders	16
29. Opening of Tenders	16
30. Non-valid Tenders	17
31. Rejection of Tenders.....	17
32. One Tender per Tenderer	17
33. Evaluation procedure	17
34. Evaluation of administrative criteria	18
35. Exclusion criteria	18
36. Evaluation of eligibility criteria	19
37. Technical Evaluation criteria	19

39.	<i>Awarding authorities</i>	20
40.	<i>Contract or Framework Agreement award</i>	20
41.	<i>Contract or Framework Agreement signature</i>	21
42.	<i>Advance payments</i>	21
43.	<i>Project management</i>	21
44.	<i>Contract management</i>	21
PART III – LOW VALUE PROCUREMENT		22
45.	<i>Application</i>	22
46.	<i>Low Value Procurement</i>	22
PART IV – FRAMEWORK AGREEMENTS		22
47.	<i>Identification of needs</i>	22
48.	<i>Single Framework Agreement</i>	23
49.	<i>Multiple Framework Agreement</i>	23
50.	<i>Duration of the Framework Agreement</i>	23
51.	<i>Validity of Framework Agreements</i>	23
PART V – COMPLAINTS		23
52.	<i>Complaints before the Procuring Entities</i>	23
53.	<i>Complaints before the Chief Procurement Officer</i>	24
54.	<i>Complaints before the Procurement Complaints Board</i>	24
PART VI – FINAL PROVISIONS		24
55.	<i>Entry into force</i>	24
ANNEX I –DELEGATION OF AUTHORITY		25
Abbreviations		26
ANNEX II –PROCURING ENTITIES		35

PART I – GENERAL PRINCIPLES

1. Short title

These regulations may be cited as “*Public Procurement Regulations 2020*”.

2. Scope

- (1). These Regulations provide detailed procedures for Public Procurement programmed, implemented and managed by the Government of Kiribati as defined in general terms by the Act.
- (2). These Regulations apply to Public Procurement of Goods, Services and Works as detailed in the Act.

3. Exceptions

(1). The following shall not be subject to application of the procedures of the Public Procurement Act and Regulations:

- a) Public employment contracts (excluding the engagement of Consultants);
- b) Projects financed by International Donors, where money and financial assets are not part of Kiribati Public Funds;
- c) Procurement subject to international treaties;
- d) Bilateral agreements between the Government of Kiribati and foreign public entities or authorities;
- e) Gifts, donations and any form of unconditional grants, including international training, medical expenses from foreign health care systems or tuition fees from foreign universities, with which the Government of Kiribati has signed a Memorandum of Understanding;
- f) Purchase of Goods, Services or Works outside of Kiribati for use outside of Kiribati;
- g) Financial investments, loans and guarantees;
- h) Regulatory fees, permits or other public or mandatory fees;
- i) Purchasing or renting of land or existing buildings or other immovable property, exclusive of refurbishment works or new construction works; and
- j) Travel expenses, that are regulated in the Travel Policy of the Government of Kiribati.

(2). Despite the fact that they are not subject to application of the procedures, procurement under sub-regulation 3(1) is still to respect the Principles of Public Procurement defined in section 4 of the Act unless clearly unsuitable.

4. Definitions

“Act” means the “Public Procurement Act 2019”.

“Annual Procurement Plan” means an itemised schedule showing the approved allocation of Public Funds for Procuring Entities’ needs for procuring Goods, Services or Works.

“Application for Pre-Qualification” means a response to a Pre-Qualification Procedure where the Economic Operator expresses its interest to take part in Public Procurement by

"Chief Procurement Officer" means the official appointed by the Beretitenti, acting in accordance with section 99 of the Constitution, as further detailed in section 15 of the Act.

"Consultant" means any legal or natural person providing Consulting Services.

"Consulting Services" means Services that are typically of an intellectual and advisory nature.

"Contract" means an agreement of economic interest concluded in writing between an Economic Operator and a Procuring Entity having as its object the obligation to supply Goods, provide Services or execute Works.

"Contractor" means an Economic Operator awarded a Works Contract.

"Delegation of Authority" means the definition of responsibilities, actions and communication aspects involving all public officers participating in Public Procurement.

"Economic Operator" means any natural or legal person, which offers supply of Goods, provision of Services or execution of Works.

"Evaluation Committee" means a committee responsible for evaluation of Tenders submitted by Tenderers.

"Evaluation Report" means the report detailing the result of the evaluation of Tenders received as part of Public Procurement.

"Extremely critical situation" means a situation caused by a sudden natural or human disaster that may impact the normal functioning of the community and requiring an emergency intervention.

"Extremely urgent situation" means a situation caused by unforeseeable events requiring immediate action.

"Framework Agreement" means an agreement executed between one or more Procuring Entities and one or more Economic Operators establishing the terms and conditions governing Suborders to be awarded during an agreed period of time.

"Goods" means tangible items, including assets and expendable items that are purchased, hired, leased or rented and related services, provided that the value of the Goods is higher than the value of the Services.

"In Writing" or "Written" means any expression consisting of words and/or figures that can be read, reproduced and subsequently communicated. It may include information transmitted and stored by electronic means.

"Invitation to Tender" means a procedure according to which a Procuring Entity invites Economic Operators to take part in Public Procurement.

"Model Documents" means a set of standard template documents issued by the Chief Procurement Officer and of standard Contract templates issued by the Office of Attorney General and included in the Manual for use in Public Procurement.

"Pre-qualification" means the procedure detailed in section 22 of the Act to identify, prior to an Invitation to Tender, Economic Operators that are qualified to provide certain Goods, Services and/or Works.

"Procurement Complaints Board" means the permanent authority established by section 19 of the Act responsible for appeals of High Value Procurement and Contract or Framework Agreement award decisions.

"Procurement Officer" means a public officer in the Central Procurement Unit.

"Procuring Entity" means any governmental department, agency, organ or their unit, or any subdivision or multiplicity thereof that is funded by Public Funds or government controlled by 50% or more, as designated by Annex II of the Regulations, that engages in Public Procurement.

"Procuring Entity Procuring Officer" means a public officer in a Procuring Entity Procuring Office responsible for Public Procurement.

"Procuring Office" means a dedicated office within each Procuring Entity responsible for

"Public Funds" means public money or public financial assets deriving from the state budget or from International Donors' funding already approved, being subject of a bilateral agreement with GoK, and available for the Government or under the control of the Procuring Entity.

"Public Procurement" means the acquisition of Goods, Services or Works utilising Public Funds.

"Public Procurement Manual" or "Manual" means guidelines and advice, issued by the Chief Procurement Officer pursuant to the Regulations, providing practical instructions to efficiently and effectively execute Public Procurement.

"Purchase Order" means a simple contract used for Low Value Procurement transactions of Goods, Services or Works.

"Regulations" means the "Public Procurement Regulations 2020", issued pursuant to section 11 of the Act.

"Request for Information" means a non-committing market assessment used to determine a realistic budget estimate and to develop Specifications and Terms of Reference.

"Request for Offer" means the documents used for a simplified Invitation to Tender for Low Value Procurement used by Procuring Entities.

"Request for Pre-Qualification" means the documents used for an invitation for Economic Operators to prequalify to provide specified Goods, Services or Works.

"Request for Proposal" means the documents used for an Invitation to Tender to invite Economic Operators to submit a proposal for a solution to fulfil requirements defined by the Procuring Entity for Goods, Services or Works, as specified in the Manual.

"Request for Quotation" means the documents used for an Invitation to Tender to invite Economic Operators to submit a quotation for standard Goods, Services or Works, as specified in the Manual.

"Service Provider" means an Economic Operator that is awarded a Service Contract.

"Services" means the object of Public Procurement other than Goods and Works and include both Consulting Services and other services, that are contracted on the basis of performance of measurable outputs.

"Social Considerations" means, but is not limited to, environmental protection, energy and water efficiency, climate change, gender equality, workers conditions, child labour, accessibility for persons with disabilities, social inclusion of indigenous people and reduction of unemployment.

"Specification" means a technical description of the requirements for Goods, Works or other Services than Consulting Services.

"Suborder" means a Contract between a Procuring Entity and an Economic Operator under a Framework Agreement.

"Supplier" means an Economic Operator awarded a Contract or Framework Agreement for the supply of Goods.

"Tender" means a technical and a financial offer prepared in response to an Invitation to Tender by a Procuring Entity.

"Tenderer" means an Economic Operator that has submitted a Tender in response to an Invitation to Tender by a Procuring Entity.

"Terms of Reference" means a technical description of the requirements for Consulting Services.

"Value for Money" means the optimum combination of whole life cycle costs and quality.

"Value for Money Evaluation" means the procedure where the technical and financial parts of the Tenders are aggregated to determine the Tender that provides the best Value for Money.

"Works" means the construction, repair, rehabilitation, demolition, restoration,

5. Value for Money

- (1). Procuring Entities shall always ensure Value for Money under a risk-managed approach to comply with the overarching scope of Public Procurement by implementing the rules, methods and principles defined by the Act, the Regulations and the Manual. Public Procurement shall always consider Value for Money, which shall be achieved through the effective, efficient and economic use of resources and the evaluation of relevant costs and benefits, along with an assessment of risks and life-cycle costs, such as fitness for purpose, experience and performance history of a Tenderer, flexibility (including innovation and adaptability over the lifecycle of Public Procurement), environmental sustainability (such as energy efficiency and environmental impact), maintenance and service. Value for Money can be obtained either by applying technical scoring criteria above mandatory technical criteria (i.e. best price-quality ratio) or without additional scoring criteria in cases where mandatory technical criteria sufficiently fulfil the needs of the Procuring Entity (i.e. the lowest price).
- (2). Procuring Entities shall not limit Public Procurement evaluations to the price for acquisitions but shall also consider all other possible costs that may refer to warranties time and scope, service and maintenance, operational costs, disposal (recycling, deposit, demolition, dismounting, destruction, etc.), delivery time and terms of payment, technology transfer, counter-trade, local content of manufacture, labour and material, etc.
- (3). The award criteria shall be precise, non-discriminatory, proportional and competitive. The Procuring Entity shall specify the award criteria in the Invitation to Tender as the relative weighting of each of the technical criteria chosen as well as the relation between the technical and financial components.

6. Annual Procurement Planning

- (1). Procuring Entities shall prepare an annual Public Procurement forecast for each Medium and High Value Procurement of Goods, Services and Works needed for the upcoming fiscal year, in line with the templates provided by the Central Procurement Unit.
- (2). The forecast shall include at the minimum the following information:
 - a) Responsible Procuring Entity;
 - b) A brief description of the Goods, Services and Works needed;
 - c) Cost estimates;
 - d) In case of Goods, the number of items;
 - e) Time schedules; and
 - f) Identification of the source of funding.
- (3). For Low Value Procurement, a lump-sum forecast of expected needs shall be provided.
- (4). Annual Public Procurement forecasts shall be submitted to the Central Procurement Unit as an integrated part of the budget planning procedure and in advance of a new fiscal year, as per the guidance contained in the Manual.

- (5). The Central Procurement Unit shall consolidate all the Procuring Entities' Public Procurement forecasts and, following budget approval, create and publish an Annual Procurement Plan. The Annual Procurement Plan may be revised during the quarterly budget review.
- (6). Procurement shall not be initiated before the full budget for the Goods, Services and/or Works in question has been approved and included in the Annual Procurement Plan. In the absence of a designated budget allocation, Public Procurement may exceptionally be initiated, subject to a written approval by the National Economic Planning Office within the Ministry responsible for Finance, and notification to the Chief Procurement Officer.

7. Currency and payment

- (1). The official currency for all Public Procurement shall be the Australian Dollar (AUD).
- (2). In exceptional circumstances, upon prior approval of the Chief Procurement Officer, Procuring Entities may adopt a different currency or more than one currency for Public Procurements. Procuring Entities shall clearly justify the reason for adopting a currency different from, or in addition to, AUD.
- (3). Procuring Entities shall always specify the currency adopted for Public Procurement in the Invitation to Tender.

8. Eligibility

- (1). Procuring Entities shall comply with the principle provided in the Act that no Tenderer can be excluded from Public Procurement on the basis of its nationality or the place where its business is registered.
- (2). Procuring Entities shall exclude from Public Procurement, Economic Operators that are ineligible to participate in Tenders due to criminal conviction. The Chief Procurement Officer shall be responsible to maintain and update a list of ineligible Economic Operators.

9. Domestic preference

- (1). Procuring Entities may consider giving preference to the domestic market to privilege the use of domestic resources, promote domestic economic growth, and strengthen the domestic market economy.
- (2). For Low Value Procurement, Procuring Entities may limit Public Procurement to domestic Economic Operators.
- (3). For Medium and High Value Procurement, Procuring Entities may privilege Domestic Economic Operators or international Economic Operators using domestic resources to promote economic growth and to strengthen domestic market economy. Procuring Entities may privilege Domestic Economic Operators or international Economic Operators, with specific scoring criteria, that promote business cooperation with Domestic Economic Operators or the use of domestic human and technical resources.

- (4). Procuring Entities shall specify in the Request for Pre-Qualification and/or Invitation to Tender the reasons for a domestic preference. In case of domestic Economic Operators being privileged, Procuring Entities shall also specify in the Request for Pre-Qualification and Invitation to Tenders the preference scoring criteria and the methodology for evaluation of domestic Economic Operators or International Tenderers using domestic resources.
- (5). Procuring Entities shall obtain a pre-approval of the domestic limitation or preference by the Chief Procurement Officer before initiating Medium or High Value Public Procurement.
- (6). Procuring Entities shall refer to the Manual for the selection of suitable methods concerning the implementation of the principles of this Regulation.

10. Delegation of Authority

The Delegation of Authority, as per Annex I, establishes roles and responsibilities and provides levels of delegated authority for Public Procurement.

11. Procuring Entity responsible functions

- (1). Each Procuring Entity shall establish a Procuring Office and appoint at least one Procuring Officer with the responsibility to initiate and carry out all Medium and High Value Procurement, under the support and supervision of the Central Procurement Unit.
- (2). No later than at the signature of a Contract, the Procuring Entity shall appoint a project manager and a contract manager with functions and responsibilities as established under Regulation 43 and 44.

12. Annual Public Procurement Report

The Chief Procurement Officer shall, following the conclusion of every fiscal year, prepare and submit an Annual Procurement Report to the Minister responsible for Finance. The Report shall summarise the performance of Public Procurement including possible recommendations on improvements, as detailed in the Manual.

PART II – MEDIUM AND HIGH VALUE PROCUREMENT

13. Application

- (1). For the purposes of Part II of the Regulations, Medium and High Value Procurement shall be applied with reference to specific value thresholds as determined in the Delegation of Authority.
- (2). Contracts shall not be split into smaller-sized procurements for the sole purpose of reducing their value and qualify them as Low-Value Procurement to avoid the applicability of principles, rules and obligations established under this Part.

14. Initiation of Public Procurement

- (1). Procuring Entities shall prepare Tender documents based on Model Documents, in compliance with the Act, the Regulations and the Manual.
- (2). Specifications and Terms of Reference shall clearly and completely describe the needs of the Procuring Entity. They shall be non-discriminatory, proportional and relevant, as further detailed in the Manual.
- (3). Procuring Entities shall ensure that evaluation criteria, as defined in Regulation 33, are established and approved by the Chief Procurement Officer before commencing Public Procurement.
- (4). The criteria shall be clear, reflecting and not going beyond the scope of the Specification or the Terms of Reference, for the purpose of assessing that Tenderers have sufficient financial, economic, technical and professional capacity to implement the tasks required under the Contract or Framework Agreement and that the Tenders will be evaluated on criteria providing the best Value for Money.
- (5). The Procuring Entity shall define in the Invitation to Tender the relevant evidence to be provided by Tenderers to demonstrate fulfilment of each criterion.
- (6). An Evaluation Committee shall be established prior to the publication or submission of an Invitation to Tender, as detailed in Regulation 24.

15. Choice of procedure

- (1). Public Procurement shall be implemented through standard procedures, as defined in the Act. Standard procedures include:
 - a) Open competitive procedure, where competition is addressed to all Economic Operators with the purpose of inviting them to submit a Tender.
 - b) In certain circumstances, a Procuring Entity may begin an Open procedure through a Pre-Qualification, in order to identify qualified Economic Operators to whom an Invitation to Tender may be issued. Pre-qualification shall be implemented in accordance with the instructions and methods provided in the Manual.
- (2). In certain circumstances, a Procuring Entity may be permitted to undertake Public Procurement through an exceptional procedure:
 - c) Limited competitive procedure is a procedure where the competition and the invitation to submit a Tender is addressed only to preselected Economic Operators.
 - d) Single-Source procedure is a procedure addressed only to one Economic Operator.
- (3). Before launching Public Procurement through a Limited competitive procedure, Procuring Entities shall obtain a written approval from the Chief Procurement Officer.

- (4). Before launching Public Procurement through a Single-Source procedure, except for extremely critical situations, as described in Regulation 20, Procuring Entities shall obtain a written approval from the Chief Procurement Officer, following a decision by the Secretary of the Ministry responsible for Finance.

16. Open competitive procedure

- (1). Before initiating Public Procurement, Procuring Entities shall prepare an Invitation to Tender.
- (2). The Invitation to Tender shall be made available to Economic Operators, in line with Regulation 21, to enhance market competition, and to the general public.
- (3). The Invitation to Tender shall be subject to approval by the Chief Procurement Officer and shall consist of at least the following information and documents, as further defined in the Manual:
 - a) Invitation; has the purpose to inform about a need for purchase of Goods, Services or Works;
 - b) Instructions on the submission; is the information for Economic Operators concerning the minimum required contents of Tenders such as the deadline and methodology for submission, the minimum validity time of Tenders, the number of copies to be submitted;
 - c) Certificate of Compliance form; is the declaration of compliance with mandatory requirements;
 - d) Time schedule; provides the indication of the timeline of the whole procurement procedure and includes the deadline for Tender submission, the possible deadline for the Procuring Entities to receive questions, the possible date, timing and place for Tender opening sessions, etc;
 - e) Specifications or Terms of Reference; provide the description of the necessary technical requirements of the object of the Public Procurement, which can be respectively Goods, Services or Works;
 - f) Evaluation Criteria and Method; is the Model Document that describes the evaluation model and Tenderers shall use, to specify their financial and technical proposal for the Goods, Services or Works for evaluation;
 - g) Draft contract is the draft version of the Contract general and the specific terms and conditions between the successful Tenderer and the Procuring Entity.

17. Pre-Qualification

- (1). Procuring Entities may decide to launch a Pre-Qualification to select potential Tenderers with sufficient capability for the Goods, Services or Works to be Tendered, thereby limiting the potential number of Tenderers to be invited. A request for Pre-Qualification shall consist of at least the following information and documents and be published on the Public Procurement Web Portal:
 - a) Invitation; the document with the purpose of informing about a future need for procurement of Goods, Services or Works;
 - b) Instructions for the Pre-Qualification application; the document providing the

Exclusion and qualification criteria for the eligibility to receive the Invitation to Tender; and

c) The intended timeline for an Invitation to Tender.

(2). The Request for Pre-Qualification shall be subject to approval by the Chief Procurement Officer before issuance.

18. Securities and guarantees

(1). To reduce risk exposure in the Tendering process and Contract execution, the Procuring Entities shall consider suitable use of securities and guarantees, as explained in the Manual.

(2). For advance payments, a security is required, as regulated in Regulation 42.

19. Limited competitive procedure

(1). Public Procurement may be addressed directly to a preselected list of Economic Operators.

(2). Procuring Entities shall be responsible for preparing a list of preselected Economic Operators in accordance with their respective fields of operation and sectors of competence and graded for their performance. The lists received from Procuring Entities shall be compiled by the Central Procurement Unit and saved in a Public Procurement database.

(3). Besides inviting preselected Economic Operators, Procuring Entities shall also invite a minimum number of new and non-graded Economic Operators, if available, that are not part of the preselected list and not included in the Public Procurement database, thus not yet rated with performance indicators, as per the first paragraph of this Regulation, and as described in the Manual. The Invitation to Tenders shall be addressed to the identified Economic Operators in line with the principles established by Regulation 16.

(4). Procuring Entities may apply Limited competitive procedures only after having received written approval from the Chief Procurement Officer.

20. Single Source procedure

(1). In case a Procuring Entity considers addressing a request for Goods, Services or Works only to one Economic Operator without competition, for Medium and High Value Procurement, it shall request for an advance written authorisation from the Chief Procurement Officer, following a decision of the Secretary of the Ministry responsible for Finance, by providing evidence of the existence of conditions for the use of a Single Source procedure.

(2). Before awarding a Single-Source Procurement Contract, an approval must be obtained from the Central Contract Award Board or Contract Award Committee, whichever is relevant.

- a) Monopoly position of one Economic Operator in the relevant market;
- b) Extremely urgent situations that relate to a serious risk of an event that may endanger human safety and/or natural integrity of people and preservation of environment and properties and that requires a rapid response from the public authorities to mitigate such risk. For the purposes of this disposition, Procuring Entities shall not invoke the adoption of a Single Source procedure if the urgency of Public Procurement is attributable to poor planning;
- c) Extremely critical situations that relate to a sudden natural or human disaster that may impact the normal functioning of the community, in accordance with the principles of the *Disaster Risk Management and Climate Change Act 2019* that requires immediate action. For the purposes of this disposition, the Disaster Controller, as defined in the *Disaster Risk Management and Climate Change Act 2019*, is authorised to approve the purchase. However, an ex-post authorisation in accordance with Regulation 20(1), with retroactive effect, is required;
- d) Protection of national security that relates to Public Procurement requiring confidentiality to protect national safety or security interests;
- e) Additional deliveries by the original Supplier, Service Provider, Consultant or Contractor, which are intended either as a partial replacement or as an extension of an existing Contract or Framework Agreement for Supplies, Services or Works where a change of Supplier, Service Provider, Consultant or Contractor would oblige the Procuring Entity to acquire additional Supplies, Services or Works having different technical characteristics, which would result in incompatibility or disproportionate technical difficulties in operation and maintenance or unreasonable additional costs; or
- f) For Public Procurement made under exceptionally advantageous conditions that arise only in the very short term, such as from unusual disposals, liquidation, bankruptcy, or receivership, and which are not routine Public Procurement from regular Suppliers.

21. Publication of Public Procurement information

- (1). For the purpose of Regulations 16, 17, 25, 27, 39 and 41, the Chief Procurement Officer shall be responsible for disseminating all available Public Procurement information and documentation respectively to Economic Operators and the general public by publication on the Public Procurement Web Portal or by any other means, in accordance with the principles of transparency and confidentiality. The Chief Procurement Officer shall also be responsible for updating and upgrading the Public Procurement Web Portal to ensure effectiveness of the communication and reliability and safety of the information.
- (2). Should the Public Procurement Web Portal not be available, functional or effective, the Chief Procurement Officer shall disseminate all Public Procurement information and documentation by publication in local and international media, through national radio broadcasting and any other appropriate means.
- (3). For the purposes of Regulations 19 and 20, the Chief Procurement Officer shall submit the Request for Pre-Qualification and the Invitation to Tender by electronic communications or, if these are not available, functional or effective, by letter.

22. Confidentiality of information

- (1). Upon request of any interested party to obtain information concerning the Public Procurement, Procuring Entities shall decide on the confidentiality of the requested information.
- (2). Procuring Entities may present requirements to Economic Operators aimed at protecting the confidential nature of information, which the Procuring Entities make available throughout Public Procurement.
- (3). Procuring Entities shall decide that information is confidential when they judge that its release could compromise the Public Procurement or Tenderers' commercial or trade secrets.

23. Choice of methods

Procuring Entities shall choose the most efficient and effective method for launching Requests for Pre-Qualification and Invitations to Tender (Requests for Offer, Requests for Quotation or Requests for Proposal), in accordance with the complexity and value of the Contract as specified in the Manual.

24. The Evaluation Committee

- (1). Tenders shall be evaluated by an Evaluation Committee which shall be responsible for the assessment of the evaluation criteria, in line with Regulation 33.
- (2). Procuring Entities shall select and appoint the members of the Evaluation Committee and shall ensure that all members of the Evaluation Committee comply with the principles established under section 4 of the Act and that in case of a conflict of interest they are removed from the committee and excluded from the Public Procurement exercise in question.
- (3). The Evaluation Committee shall comprise a scoring chairperson, at least two scoring evaluators for Medium Value Procurement and at least three scoring evaluators for High Value Procurement, a non-scoring secretary and, if necessary, substitutes. The evaluators must possess the technical, financial and/or administrative capacity necessary to give an informed opinion on the Tenders. Their scores shall have equal value and the final score shall be a decision by consensus, in line with Regulation 33.
- (4). The Evaluation Committee may invite non-scoring technical and/or financial advisors to provide a reasoned opinion to support technical and, if necessary, financial evaluation.
- (5). The chairperson is responsible for coordinating the evaluation procedure and for ensuring its impartiality, correctness and transparency. The scoring members of the Evaluation Committee have collective responsibility for decisions taken by the committee. The secretary to the Evaluation Committee is responsible for carrying out all administrative tasks connected with the evaluation procedure.

- (6). Prior to the commencement of the evaluation, all members of the Evaluation Committee accepting the appointment shall sign a declaration of impartiality and confidentiality and shall declare to act in accordance with the principles of the Act and the Regulations.
- (7). The Evaluation Committee shall be responsible for preparing an Evaluation Report with all aspects of the evaluation, including the preparation, timing and contents of the meetings, members presence, exclusions of Tenders for non-fulfilling the mandatory criteria, the technical and the financial evaluation procedures, providing Value for Money, including the scores and reasons for the scorings, and any other relevant information. Upon finalisation of the procedure, the Evaluation Committee shall provide the Evaluation Report and all relevant documentation and information, including the scores and a recommendation for award, to the relevant awarding authority.

25. Questions and answers procedure

- (1). Procuring Entities shall establish a deadline for Economic Operators to submit written questions and/or requests for clarifications on the subject of Public Procurement and the received documentation. The deadline for submission of questions and clarifications and the timeframe for expected answers shall allow sufficient time for Economic Operators to revise and submit Tenders according to the timeframe set in the Invitation to Tender.
- (2). Procuring Entities shall be responsible for providing clarifications to the Central Procurement Unit, who shall issue answers to the questions on the Public Procurement Web Portal, in line with Regulation 21, or, in cases of Limited Competitive Procedures, directly to the invited Economic Operators.
- (3). Procuring Entities shall respect the principles of equal treatment, transparency and equal opportunity and shall not provide a prior opinion on the eligibility of a Tenderer or on any proposal of specific activities that may be tendered. They shall make available to all Economic Operators a written response containing all non-confidential answers and clarifications, without disclosing the source of any request.
- (4). Procuring Entities shall update the contents of the Specifications or Terms of Reference in line with the conclusion of the question and answer procedure.

26. Deadline for submitting Tenders

- (1). The deadline for submission of Tenders or Applications shall be long enough to allow for high-quality submissions.
- (2). Procuring Entities shall apply the following minimum deadlines:
 - a) 20 calendar days for Request for Pre-Qualifications;
 - b) 45 calendar days for Request for Proposals;
 - c) 25 calendar days for Request for Quotations; and
 - d) 15 calendar days for Request for Offers.
- (3). A deadline defined as above in an Invitation to Tender or in a Request for Pre-

unless absolutely necessary and clearly justified. If required, it shall be communicated as soon as possible, well before the original deadline for submission.

- (4). In exceptional circumstances, the Chief Procurement Officer may decide to reduce the deadlines for submission of Tenders, in which case the justification for the reduction shall be in writing and placed on the file record of the Public Procurement in question.

27. Cancellation of the procurement

- (1). A Procuring Entity may cancel the Public Procurement at any stage prior to Contract or Framework Agreement award under the following or similar circumstances:

- a) Public Procurement needs have ceased to exist or have changed substantially;
- b) Budget has been cancelled; or
- c) There is a reasonable suspicion of collusion, corruption, or other foul play in the Public Procurement.

- (2). If a Procuring Entity decides to cancel an initiated Public Procurement the decision shall be subject to approval in accordance with the Delegation of Authority and the Chief Procurement Officer shall publish a notice, in line with Regulation 21.

28. Receipt and registration of Tenders

- (1). The Central Procurement Unit shall determine whether Tenders are received in compliance with the instructions provided in the Invitation to Tender. Tenders received after the set deadline shall be automatically excluded from further consideration.
- (2). The Central Procurement Unit shall record the time and date for the Tenders received within the set deadline and shall provide a written confirmation to the Tenderers. Tenders shall remain unopened until the opening of the Tenders, in accordance with Regulation 29.

29. Opening of Tenders

- (1). The Central Procurement Unit shall be responsible for the opening of Tenders in line with the instructions specified in the Invitation to Tender and as soon as possible after the final deadline for submission. Following the opening, the Central Procurement Unit shall transmit all valid and complete Tenders that arrived before the deadline to the Evaluation Committee.
- (2). A public opening session shall take place for all Public Procurement under Open Procedures, including Pre-Qualification, and Limited procedures. The Invitation to Tender shall specify date, timing and place where the opening session will take place. All Tenderers or their representatives shall be permitted to observe the opening session.
- (3). In specific circumstances, the Chief Procurement Officer shall be entitled to waive the rule of public opening of Tenders. A motivated written justification shall be provided.

- (4). The Evaluation Committee shall record the presence of Tenderers and register the procedure of Tenders opening in the Evaluation Report, including the name of each Tenderer whose Tender is opened.

30. Non-valid Tenders

If no Tender was received on or before the latest time and date for submission, or if the received Tenders were incomplete or for other reasons not valid, the Procuring Entity shall investigate the reasons.

31. Rejection of Tenders

- (1). Upon approval of the Chief Procurement Officer, a Procuring Entity may reject all Tenders when there is evidence of a lack of effective competition or where Tenders are substantially non-responsive, non-compliant or substantially exceeding the available budget. If all Tenders are rejected, the Procuring Entity shall review the causes, justify the rejection and consider revising the Invitation to Tender, before relaunching a new Public Procurement.
- (2). If the rejection of all Tenders is due to lack of effective competition, the Procuring Entity should consider a wider advertising of the Invitation to Tender.
- (3). A Procuring Entity shall not reject all Tenders for the sole purpose of obtaining lower prices.

32. One Tender per Tenderer

- (1). Economic Operators shall not be allowed to submit more than one Tender per each Public Procurement, either individually, in consortia or in similar cooperation. Procuring Entities shall disqualify Tenderers that have submitted more than one Tender for the same Public Procurement.
- (2). This provision does not apply to subcontracting procedures or in specific cases as described in the Manual and approved by the Chief Procurement Officer.

33. Evaluation procedure

- (1). The Evaluation Committee shall be responsible to carry out the evaluation procedures, which shall be based on the following criteria:
 - I. Tenderer requirements
 - a) Administrative criteria define the capacity of the Tenderers, including that they have a proper Business Registration, to comply with the requirements defined in the Invitation to Tender or the Request for Pre-Qualification in a complete and effective way and within the set timeframes;
 - b) Exclusion criteria refer to those situations that could pose a threat to the economic interest of the Government of Kiribati and are, or may constitute, ground for exclusion of Tenderers from Public Procurement. Economic Operators that are listed in the UN Sanctions list or sanctioned by any Donor shall be

mandatory obligations, for which an automatic exclusion is compulsory; and they relate to insufficient financial capacities and negative commercial behaviours of Economic Operators, for which an exclusion is possible;

- c) Minimum criteria include the minimum requirements that Tenderers must fulfil to qualify for the evaluation procedure;

II. Tender requirements

- d) Mandatory technical criteria for evaluation of Tenders, as specified in the Specifications or Terms of Reference; and
 - e) Evaluation criteria which include the technical and financial criteria that determine the best Value for Money, leading to award of Contracts, and in particular:
 - I. Technical criteria for evaluation;
 - II. Scoring value for each technical criterion in relation to its importance, unless the definition of minimum technical criteria, as under d) above, is sufficient;
 - III. Financial components, including where applicable price, operational and Life Cycle costs, disposal, training, maintenance, spare parts, warranties, etc.; and
 - IV. Where necessary, the relation between the technical and the financial criteria, including whether technical and financial proposals require separate submissions; alternatively, the lowest price, when only minimum technical criteria are defined.
- (2). In case Public Procurement foresees separate submissions of technical and financial proposals, the financial proposals shall remain sealed or closed until the technical evaluation is completed.
- (3). The allocation of the final score shall represent the merging of technical scores and financial data and shall be a decision by consensus of the Evaluation Committee, as per Regulation 38, and shall be submitted to the awarding authority for review and for issuing the award decision, as per Regulation 39.
- (4). The Evaluation Committee may also take into consideration the performance scoring of Economic Operators, in line with Regulation 44.

34. Evaluation of administrative criteria

The Evaluation Committee shall reject all Tenders that are not in compliance with the instructions provided in the Invitation to Tender and shall note it in the Evaluation Report. If non-compliant, missing or incomplete information is of minor or insignificant character, the Evaluation Committee may request this information to be provided by the Tenderer within a reasonable period of time.

35. Exclusion criteria

- (1). The Evaluation Committee shall exclude a Tenderer from participating in Public Procurement when it is verified, or the Evaluation Committee is otherwise aware, that the Tenderer is in any of the following situations:

- a) Subject of a criminal conviction, that may include a member of its management, by final judgment for (i) participation in a criminal organisation; (ii) corruption; (iii) fraud; (iv) terrorist offences or offences linked to terroristic activities; (v) money laundering or terrorist financing; (vi) child labour and other forms of trafficking in human beings; or any other violation of International Conventions of which the Government of Kiribati is a signatory party;
 - b) Subject to a judicial or administrative decision, with final and binding effect, concerning the breach of its obligations on the payment of taxes or social security contributions;
 - c) Subject to a conflict of interest situation or in any other condition that prevents the impartiality of the process; or
 - d) In any other circumstance as established in the Invitation to Tender.
- (2). A written decision of the exclusion shall be provided to the Tenderer and shall be recorded it in the evaluation report.
- (3). The Evaluation Committee may request a Tenderer to provide within a reasonable time further information and documentation to ascertain the existence of an exclusion criteria and to be able to decide on the Tender eligibility.

36. Evaluation of eligibility criteria

The Procuring Entity may define eligibility criteria in the Invitation to Tender or Pre-Qualification, such as technical or financial capacity or proof of previous experience, necessary to be able to execute a Contract, as further detailed in the Manual. Only Tenderers that fulfil such criteria will be evaluated or invited to submit Tenders.

37. Technical Evaluation criteria

- (1). The Procuring Entity may define minimum technical criteria which the Tender must fulfil. Such mandatory criteria must be fulfilled for the Tender to be further evaluated, as below, or, in case of these criteria being the sole technical criteria, i.e. when the lowest price of the compliant Tenders is the selection criteria.
- (2). Tenders that are eligible to be evaluated based on technical criteria, as defined in the Invitation to Tender, shall thereafter be evaluated by the Evaluation Committee.
- (3). The Evaluation Committee may request a Tenderer to provide within a reasonable time further information and documentation to ascertain whether minimum criteria are respected.

38. Value for Money evaluation

- (1). The Evaluation Committee shall be responsible for the Value for Money evaluation, which is done by aggregating the technical and the financial evaluation results of the Tenders, alternatively the lowest price, in accordance with the financial principles and methods identified in the Invitation to Tender, and for the decision on the Contract or Framework Agreement award. The Evaluation Committee shall record in the Evaluation Report all aspects of the evaluation.

- (2). The Evaluation Committee may request a Tenderer to provide within a reasonable time further information or clarification to be able to complete the Value for Money evaluation.
- (3). The allocation of the final score shall represent the merging of technical scores and financial data and shall be a decision by consensus of the Evaluation Committee and submitted to the awarding authority, as regulated in Regulation 33. The awarding authority shall inform the Evaluation Committee and the Procuring Entity on the outcome of the award decision.

39. Awarding authorities

- (1). The Contract Award Committee and the Central Contract Award Board, established in accordance with the Act, shall be the awarding authorities responsible for reviewing the evaluation process and for issuing the decision on the Contract or Framework Agreement award.
- (2). All members of the Contract Award Committee and of the Central Contract Award Board shall be responsible for reviewing the evaluation process and for taking the Contract or Framework Agreement award decision, which shall be reached by consensus.
- (3). In case of disagreement between the members of the Contract Award Committee or the Central Contract Award Board on the award decision or on the review of the evaluation process, the final award decision or the review shall be accompanied by a written clarification on the matter of disagreement.
- (4). In case of absence of one or more of the members of the Contract Award Committee or of the Central Contract Award Board, one or more substitutes shall be appointed to guarantee the minimum necessary composition of the awarding authority.
- (5). Upon finalisation of the award decision, the awarding authority shall provide the Procuring Entity with the Contract or Framework Agreement award decision, the evaluation report and all other relevant documentation and information.

40. Contract or Framework Agreement award

- (1). The awarding authority shall notify the successful Tenderer of the Contract or Framework Agreement award decision and, at the same time, shall inform the unsuccessful Tenderers of the outcome of the evaluation. In the information to unsuccessful Tenderers, the awarding authority shall indicate the name of the successful Tenderer, the allocation of the final score and other relevant information.
- (2). During a timeframe of 14 calendar days following the notification of the Contract or Framework Agreement award decision issued by the awarding authority, in the event that a complaint or an appeal is filed by a Tenderer, the Procuring Entity shall not sign the Contract or Framework Agreement until a decision is issued by the Procuring Entity, the Chief Procurement Officer or the Procurement Complaints Board, as applicable.
- (3). In case a non-successful Tenderer claims that the reason provided in the Contract or Framework Agreement award decision notification for the non-selection of their Tender

is not sufficiently clear, the Procuring Entity may decide, if the request is considered reasonable, to provide further information or a debriefing session.

- (4). The awarding authority shall also inform the Evaluation Committee on the outcome of the award decision.

41. Contract or Framework Agreement signature

- (1). Following the expiration of a standstill period the Procuring Entity shall without delay submit the Contract or Framework Agreement documents to the awarded Tenderer for its signature. The Contract or Framework Agreement documents shall comprise the Draft Contract, the final version of the Specifications or Terms of Reference, in line with Regulation 25, the technical and financial offer of the Tenderer, and any other information relevant to the Contract.
- (2). Unless in exceptional circumstances, the Procuring Entity shall ensure that the Contract or Framework Agreement is signed by the Tenderer before signing it.
- (3). Upon successful completion of the Contract or Framework Agreement signing, information that the Contract or Framework Agreement has been signed shall be published, in line with Regulation 21.

42. Advance payments

Advance payments shall be approved in accordance with the Delegation of Authority. If advance payments are required, a bank guarantee or equivalent, in form and substance acceptable to the Procuring Entity, shall be obtained, unless waived by the Chief Procurement Officer, following endorsement of the Accountant General of the Ministry responsible for Finance.

43. Project management

Procuring Entities shall appoint a Project Manager to continuously monitor the compliance and performance of Suppliers, Service Providers, Consultants or Contractors against the terms and conditions of the Contract.

44. Contract management

- (1). Procuring Entities shall appoint a Contract Manager who shall be responsible for all contractual matters of the Contract, including change management and amendments and for ensuring that appropriate approvals, in accordance with the Delegation of Authority, are obtained in relation to the Contract. All changes to a Contract shall be documented in a written amendment to the Contract.
- (2). Contract Managers shall operate in close cooperation with Project Managers and shall ensure that all necessary monitoring procedures are in place.
- (3). Upon conclusion of the Contract, the Contract Manager shall inform the Central Procurement Unit on the performance of Suppliers, Service Providers, Consultants and

Contractors to update the information on Economic Operators with the relative performance scoring and any other relevant information.

- (4). Procuring Entities shall ensure that Contract Managers undergo relevant training and capacity building to ascertain and increase their operational functionality and expertise.

PART III – LOW VALUE PROCUREMENT

45. Application

For the purposes of Part III of the Regulations, Low Value Procurement shall be applied with reference to specific value thresholds as determined in the Delegation of Authority.

46. Low Value Procurement

- (1) Unless otherwise specified, all Public Procurement principles, procedures and rules for Medium and High Value Procurement, including those specifically established under Part II, Regulations 13-26, are applicable also for Low Value Procurement.

- (2). For the purposes of this disposition, the following principles defined under Part II shall not be applicable to Low Value Procurement:

- a) Regulations 14(3), 14(6), 15, 20(1) and 20(2): No approval is required from the Chief Procurement Officer or the Permanent Secretary of the Ministry responsible for Finance, and no Evaluation Committee needs to be established;
- b) Regulations 16, 17, 18, 19(2), 19(3), 19(4), 21, 24, 25 and 26(4) in their entirety.

- (3). Procuring Entities shall be responsible for executing the whole Public Procurement, in order to guarantee a smooth and efficient Public Procurement and shall refer to the Manual for the implementation of the rules.

The Procuring Entity Procuring Officer shall have the following main responsibilities:

- a) Preparation of Invitation to Tender;
- b) Submission of Invitation to Tender with the Request for Offer;
- c) Receipt and validation of Tenders eligibility;
- d) Evaluation of Tenders and preparation of the Evaluation Report;
- e) Award decision and Contract signature, upon Delegation of Authority; and
- f) Submission of copies of Tender and Contract documents to the Central Procurement Unit.

PART IV – FRAMEWORK AGREEMENTS

47. Identification of needs

For commonly procured Goods, Services or Works, the Chief Procurement Officer may decide to launch Public Procurement for the conclusion of a Framework Agreement.

48. Single Framework Agreement

If a Framework Agreement is concluded with one Economic Operator for a specified type of Goods, Services or Works, the Procuring Entity shall submit a Suborder for every new procurement to be delivered within the scope, terms and conditions specified in the Framework Agreement, without the requirement for a separate tendering procedure.

49. Multiple Framework Agreement

When a Framework Agreement is concluded with more than one Economic Operator for a specified type of Goods, Services or Works, a new simplified competition between the parties of the Framework Agreement shall take place to identify the Economic Operator offering the best Value for Money, within the terms and conditions defined in the Framework Agreement for each Suborder.

50. Duration of the Framework Agreement

Procuring Entities shall not conclude Framework Agreements for more than two years, with a possible optional extension of one additional year on the same terms and conditions. The option for extension shall be regulated in the Framework Agreement.

51. Validity of Framework Agreements

- (1). Framework Agreements shall have a limit to the scope and quantity of allowable Goods, Services or Works or a limit to the consolidated value or amount of Goods, Services or Works that can be procured under the Framework Agreement.
- (2). Once the quantity, value or time limit has been reached, the Framework Agreement shall be considered expired, and a separate tendering procedure is required to award a new Framework Agreement.
- (3). The Central Procurement Unit shall, well in advance of the Framework Agreement expiration, assess the competitiveness and suitability to the Procuring Entities' needs and decide whether a possible option of extension shall be used, or Public Procurement of a new Framework Agreement shall be initiated.

PART V – COMPLAINTS

52. Complaints before the Procuring Entities

- (1). Tenderers shall have access to an efficient system to submit written complaints, in line with the principles of the Act.
- (2). Complaints regarding Invitation to Tender procedures shall be received by the Procuring Entity at the latest 10 calendar days before the deadline for the submission of Tenders.
- (3). Complaints regarding a Contract or Framework Agreement Award shall be received by the Procuring Entity at the latest 14 calendar days from the submission of the award decision.

- (4). Procuring Entities shall, without delay, analyse a complaint, with guidance and support from the Central Procurement Unit, and issue a decision on the complaint, which shall be notified in writing to the Tenderer.

53. Complaints before the Chief Procurement Officer

- (1). For Medium Value Procurement, Tenderers that are dissatisfied with the decision issued by the Procuring Entity shall be entitled to raise the matter of dissatisfaction before the Chief Procurement Officer. Complaints must be received by the Chief Procurement Officer at the latest 14 calendar days after the Procuring Entity's decision.
- (2). The Chief Procurement Officer shall, without delay, analyse the matter and issue a decision, which shall be notified in writing to the Tenderer.
- (3). The decision of the Chief Procurement Officer is final.

54. Complaints before the Procurement Complaints Board

- (1). For High Value Procurement, Tenderers that are dissatisfied with the decision issued by the Procuring Entity shall be entitled to raise the matter of dissatisfaction before the Procurement Complaints Board. Complaints must be received by the Procurement Complaints Board at the latest 14 calendar days after the Procuring Entity's decision.
- (2). The Procurement Complaints Board shall be a semi-permanent board responsible for appeals to complaint decisions issued by Procuring Entities and shall be composed of at least the following representatives:
- a) Permanent Secretary of the Ministry responsible for Finance, with the responsibility to coordinate the work and as Chairperson of the board;
 - b) Attorney General;
 - c) Permanent Secretary or a high-level representative from the management board of the Procuring Entity as owner of the Public Procurement budget; and
 - d) The Chief Procurement Officer with the role to provide a reasoned opinion, not participating in the final decision.
- (3). The Procurement Complaints Board shall, without delay, analyse the matter and issue a decision, which shall be notified in writing to the Tenderer.
- (4). The decision of the Procurement Complaints Board is final.

PART VI – FINAL PROVISIONS

55. Entry into force

- (1). These Regulations shall enter into force upon promulgation of the Minister responsible for Finance and after the entry into force of the Act.
- (2). Upon entry into force of the Regulations, any previous procurement regulations shall be
repealed



ANNEX I –DELEGATION OF AUTHORITY

PUBLIC PROCUREMENT THRESHOLDS	
CATEGORY OF PUBLIC PROCUREMENT	THRESHOLD VALUES (AUD)
VERY LOW VALUE PROCUREMENT – VLVP	0-999
LOW VALUE PROCUREMENT – LVP	1.000-9,999
MEDIUM VALUE PROCUREMENT – MVP	10.000-49,999
HIGH VALUE PROCUREMENT – HVP	50,000>

P	Prepare
R	Review & Recommend (to be consulted)
A	Final Approval
E	Endorse
S	Sign
I	(to be) Informed before
i	(to be) informed after
M	Responsible for Management (Do, Execute)



Abbreviations

APP	Annual Procurement Plan
APP-C	Consolidated Annual Procurement Plan
APP-R	Revised Annual Procurement Plan
CAC	Contract Award Committee at Procuring Entity
CCAB	Central Contract Award Board
CPO	Chief Procurement Officer
CPU	Central Procurement Unit
DOA	Delegation of Authority
EC	Evaluation Committee
HVP	High-Value Procurement
ITT	Invitation to Tender
LVP	Low-Value Procurement
MVP	Medium-Value Procurement
PE	Procuring Entity
PEPO	Procuring Officer at Procuring Entity
PO	Procurement Officer at CPU
PPA	Public Procurement Act 2019
PPM	Public Procurement Manual
PPR	Public Procurement Regulations 2020
RFO	Request for Offer
RFQ	Request for Quotation
RFP	Request for Proposal
SSP	Single-Source Procurement
SRO	Senior Responsible Officer, budget owner or equivalent

L E G A L F R A M E W O R K

Action	PROCURING ENTITY – PE		CENTRAL PROCUREMENT UNIT – CPU		OAG	MFED	Cabinet	Parliament
	PEPO	Secretary	PO	CPO				
Act	i	I	R	E	P	E	E	MP's
Regulation	i	I	R	E	P	E	A	
DOA	i	i	i	R	P	E	A	
List of Procuring Entities	i	i	i	R	P	E	A	
Manual	i	i	P	A	i	i		
ITT templates			P	A	I			
Standard Contract templates			P	E	A			
Change of Category A	P		R	E	A			
Change of Category B	P		R	A	I			
Change of Category C	P		A	I	i			

ANNUAL PROCUREMENT PLANS - APP										
Action	PROCURING ENTITY - PE						CENTRAL PROCUREMENT UNIT - CPU			NEPO
	Requester/user	PEPO	Budget Owner - SRO	Evaluation Committee - EC	Contact Award Committee - CAC		PO	CPO	Central Contract Award Board - CCAB	Director of NEPO
APP	P	R	E				R	E		A
APP-R	P	R	E				R	E		A
APP-C							P	A		I

VERY LOW-VALUE PROCUREMENT - VLV P						
Action	PROCURING ENTITY - PE			CENTRAL PROCUREMENT UNIT - CPU		Treasury
	Requester/user	PEPO	Budget Owner - SRO	PO	CPO	Accountant General
Request offers	P	P	A			
Receive offers	i	M				
Evaluate		A				
Award		P	A			i
Signing of Purchase Order			S	i		i
Archive		M		i		

LOW - VALUE PROCUREMENT - LVP

LOW - VALUE PROCUREMENT – LVP											
Action	PROCURING ENTITY – PE						CENTRAL PROCUREMENT UNIT – CPU			Treasury	NEPO
	Requester /user	PEPO	Budget Owner – SRO	Evaluation Committee – EC	Contact Award Committee – CAC	PO	CPO	Central Contract Award Board – CCAB	Accountant General	Director of NEPO	
Prepare ITT	P	P	A			/					
Issue ITT	P	M									
Q&A	P	A									
Receive Tenders	/	M									
Evaluate	M	A									
Award		P	A						/		
Contract finalization	P	P	A			/			/		
Signing of Contract			S			/			/		
Contract Management		M				/					
Archive		M				/					

MEDIUM-VALUE PROCUREMENT – MVP												
Action	PROCURING ENTITY – PE							CENTRAL PROCUREMENT UNIT – CPU			Treasury	NEPO
	Requester /user	PEPO	Budget Owner – SRO	Evaluation Committee – EC	Contact Award Committee (CAC) OR SOEs Board for SOEs	PO	CPO	Central Contract Award Board – CCAB	Accountant General	Director of NEPO		
Prepare ITT	P	P	R	I		A	I					
Publish ITT		I			I	M	A			/		
Q&A	P	P				A						
Receive Tenders		I		I		M						
Evaluate			A	M	I	R	I					
Award		P	E		A		I		/	/		
Contract finalization	P	P	R			A	I		I	I		
Cancellation of procurement		P	A	/	/	I	I		/	/		
Signing of Contract			S			I	I		/	/		
Contract Management		M				/						
Archive		/				M						

HIGH - VALUE PROCUREMENT - HVP

HIGH-VALUE PROCUREMENT – HVP											
Action	PROCURING ENTITY – PE						CENTRAL PROCUREMENT UNIT – CPU			Treasury	NEPO
	Requester /user	PEPO	Budget Owner – SRO	Evaluation Committee – EC	Minister	PO	CPO	Central Contract Award Board – CCAB			
Prepare ITT	P	P	E	/		R	A	I			
Publish ITT		I				M	A	I		/	
Q&A	P	P				A					
Receive Tenders		I		I		M					
Evaluate			A	M			R	I			
Award		P	E				I	A	/	/	
Contract finalization	P	P	R			R	A		I	I	
Cancellation of procurement		P	A	/		I	/	/	/	/	
Signing of Contract					S	I	I		/	/	
Contract Management		M				/					
Archive		/				M					

ITT PROCEDURE SELECTION (MVP & HVP)									
Action	PROCURING ENTITY - PE			CENTRAL PROCUREMENT UNIT - CPU			MFED	CAC	CCAB
	Requester	PEPO	Budget Owner - SRO	PO	CPO	SMFED			
OPEN									
RFO	P	R	A						
RFQ	P	R	E	A					
RFP	P	R	E	E	A				
RFPQ	P	R	E	E	A				
LIMITED									
RFO	P	R	A						
RFQ	P	R	E	A					
RFP	P	R	E	E	A				
SINGLE-SOURCE									
SSP-MVP	P	R	R	R	E		A	A	
SSP-HVP	P	R	R	R	E		A		A

CONTRACT MANAGEMENT – MVP & HVP							
Action	PROCURING ENTITY – PE			CENTRAL PROCUREMENT UNIT – CPU		Treasury	NEPO
	Project Manager	PEPO	Budget Owner – SRO	PO	CPO	Accountant General	D-NEPO
Contract compliance	M	I	I				
Payment Schedules/instalments	P	R	A			I	
Contract non-compliance	P	R	A	I			
Remedies	P	R	A	I		I	
Contract Amendment – MVP		P	A	E		I	I
Contract Amendment – HVP		P	A	R	E	I	I
Agreed modification	P	R	A	I			
Contract Amendment – MVP		P	A	E		I	I
Contract Amendment – HVP		P	A	R	E	I	I
Closure of Contract	P	R	A	I		I	
Performance evaluation – MVP	P	P	I	A	I		
Performance evaluation – HVP	P	P	I	E	A		
Update of Procurement database				M			

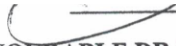
ANNEX II –PROCURING ENTITIES

For the purposes of the Act and the Regulations, Procuring Entities shall be considered the following.


- *The Ministries of the Government of Kiribati;*
- *Entities that are funded by public funds or Government controlled by 50% or more;*
- *“State Owned Enterprises” or “SOE” are the companies incorporated under the Companies Ordinance (Cap. 10A) in which all the shares or the majority of shares in the company are held by or on behalf of the Government;*
- *“Statutory Corporation” means companies or corporations owned by a government with or without other shareholders or a body without shareholders that is controlled by national or sub-national government to the (in some cases minimal) extent provided for in the creating legislation.*

For the list of SOEs including Statutory Corporations refer to Schedule 1 of the *State-Owned Enterprises Act 2013*.

Dated this, 12th May, 2020


HONOURABLE DR TEUEA TOATU
Vice President and
Minister for Finance & Economic Development

Published by exhibition at the Office of the Beretitenti on _____


DR NAOMI BIRIBO
Secretary to the Cabinet